



**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2131**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gensler et al.

Confirmation No.: 7365

Serial No.: 09/942,417

Group Art Unit: 2131

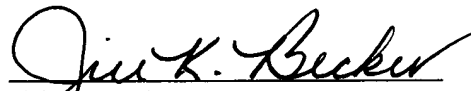
Filed: August 30, 2001

Examiner: Arezoo Sherkat

Title: MECHANISM INDEPENDENT CLUSTER SECURITY SERVICES

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 3, 2005.


Jill K. Becker

Date of Signature: October 3, 2005.

To: Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pre-Appeal Brief Request for Review

Dear Sir:

This paper is co-filed with a Notice of Appeal from the rejection mailed May 4, 2005, in connection with the above-designated application. By this paper, applicants request Pre-Appeal Brief review of the noted rejection received for the above-identified application. No amendments are being filed with this Request.

Remarks

Applicants respectfully submit that the Office Action, and in particular, the asserted anticipation rejection to the independent claims based upon Hu (U.S. Patent No. 5,586,260; hereinafter “Hu”) fails to state a *prima facie* case of anticipation against applicants’ recited invention.

Applicants respectfully submit that a *prima facie* case of anticipation is not stated in the Office Action in connection with their independent claims for at least the reason that one or more aspects of applicants’ independent claims are not fully addressed in the Final Office Action or Advisory Action and are missing from the cited reference, as described below.

In one aspect, applicants’ invention is directed to a mechanism in which at least two types of security program modules are present on each node of a plurality of nodes, and an interface is provided that enables access to a security program module that is common between, for instance, two of the nodes. In particular, applicants recite “said layer presenting a consistent interface, from at least two of said nodes to at least two types of security program module which implement a security service on different nodes within the cluster,” and further recite “which access a same one of said at least two types of security program modules on different nodes.” (emphasis added). It is at least these claimed features, as recited in the independent claims, that are not described, taught or suggested in Hu and not fully addressed in the Office Action.

For instance, in the Advisory Action, it is stated, “Examiner responds that Hu discloses the procedure to provide client access to a server having to conform with the server’s security domain, and without modification of the server. Therefore, the invention allows an application developer to develop a distributed client server application where the client and server systems support different security mechanisms (Col. 6, lines 57-65).” Applicants respectfully submit that this argument of Hu and similar arguments in the Final Office Action fail to address what is explicitly being claimed by applicants (e.g., a plurality of nodes, each node having a plurality of security program module types, and accessing a module that is common to the plurality of nodes), and thus, applicants respectfully submit that a *prima facie* case of anticipation has not been satisfied.

With applicants' invention, the client and server would both have a same program module, but that program module would be one of a plurality of program module types that could be accessed on each of the nodes. Applicants' invention addresses accessing the module that is common between the two nodes. This is in stark contrast to Hu in which no such access can be made, since in Hu, the modules are different on each of the nodes. There is no common module on the nodes to access in Hu. Further in Hu, there is no teaching of a plurality of module types on each node.

For a further discussion of these points, please see applicant's Response to Final Office Action mailed July 5, 2005 at pages 6-8.

For at least the above reasons, applicants respectfully submit that clear errors have been made in the Final Office Action with respect to the rejection of the subject matter recited in their independent claims, and as such, withdrawal of the rejection to claims 1-10 under 35 U.S.C. 102 as being unpatentable over Hu is respectfully requested.

Respectfully submitted,

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Dated: October 3, 2005.

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